

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

MARY MATYN, ET AL.

V.

STATE FARM LLOYDS

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§

CIVIL ACTION NO. 4:23-CV-00174-  
ALM-AGD

**MEMORANDUM ADOPTING IN PART AND REJECTING IN PART  
REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 7, 2024, the report of the Magistrate Judge (Dkt. #37) was entered containing proposed findings and recommendations that Defendant's Motion for Partial Summary Judgment (Dkt. #25) be granted in part and denied in part; that Defendant should be granted summary judgment on all of Plaintiffs' claims related to damages to the pool, trees, shrubs, and landscaping; that Defendant should be denied summary judgment as to the remainder of Plaintiffs' breach of contract claims; that Defendant should be granted summary judgment on Plaintiffs' claims of violations of the duty of good faith and fair dealing and Texas Insurance Code §§ 541.060 and 541.151; and that Defendant should be granted summary judgment on Texas Insurance Code § 542.055 and denied summary judgment on Texas Insurance Code §§ 542.056 and 542.058.

Having received the report of the Magistrate Judge, considered Plaintiffs' Objections, Defendant's Responses to Plaintiffs' Objections, and conducted a de novo review, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are partially correct and adopts in part the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant is **GRANTED** summary judgment on all of Plaintiffs' claims related to damages to the pool, trees, shrubs, and landscaping; that Defendant is **DENIED** summary judgment as to the remainder of Plaintiffs' breach of contract claims; that Defendant is **DENIED** summary judgment on Plaintiffs' claims of violations of the duty of good faith and fair dealing and Texas Insurance Code §§ 541.060 and 541.151; and that Defendant is **GRANTED** summary judgment on Texas Insurance Code § 542.055 and **DENIED** summary judgment on Texas Insurance Code §§ 542.056 and 542.058.

**IT IS SO ORDERED.**

**SIGNED this 11th day of March, 2024.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE